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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Fifteenth and sixteenth periodic reports of States parties due in 1998 and 2000

Addendum

UKRAINE*

[25 July 2000]

* This document contains the fifteenth and sixteenth periodic reports of Ukraine, submitted in one document, due on 6 April 1998 and 6 April 2000. For the thirteenth and fourteenth periodic reports of Ukraine, submitted in one document, and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/299/Add.14 and CERD/C/SR.1256, 1257 and 1269.

The information submitted by Ukraine in accordance with the consolidated guidelines for the initial part of the reports of States parties is contained in core document HRI/CORE/1/Add.63/Rev.1.

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FIFTEENTH AND SIXTEENTH PERIODIC REPORTS OF UKRAINE ON THE IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

PART I - GENERAL

1. These reports supplement the earlier reports submitted by Ukraine under article 9 of the Convention and, in particular, the thirteenth and fourteenth reports presented to the Committee on the Elimination of Racial Discrimination by Mr. L.V. Efimenko, the Ukrainian Deputy Minister of Justice, at Geneva on 9 and 10 March 1998. The reports also address questions put by the experts during the consideration of the thirteenth and fourteenth reports.

2. Following its declaration of independence, Ukraine began the process of establishing itself as a sovereign State, and the elaboration and implementation of a nationalities policy was an extremely important part of that process. In Ukraine, like most countries with a transitional economy, the processes of State-building and the creation of a radically new model of economic activity have inevitably been attended by acute social problems which can only be resolved given time and the appropriate combination of circumstances.

3. Preliminary figures indicate that the nominal gross domestic product (GDP) in 1998 was 103.9 billion hryvnias (HRV); this represented a decrease of 1.7 per cent compared to 1997, the smallest decline since independence. Per capita GDP in 1998 was HRV 2,065.

4. Gross national income (formerly known as gross national product), which takes account of external transactions including compensation of employees', taxes on production and imports, and income from property payable or receivable by the rest of the world, amounted to HRV 92.2 billion in 1997, or HRV 1.2 billion less than GDP (which totalled HRV 93.4 billion in 1997).

5. Industrial output trends for the period 1991-1998 reveal that industry experienced its worst crisis in 1994, with output shrinking by 27.3 per cent that year, and by 50 per cent over the eight years.

6. The significant downturn in output, coupled with inflationary pressures, has led to changes in the structure of Ukraine's industrial base. The dominant sectors now are energy- and raw-material-intensive sectors such as metallurgy, power generation and fuels, which accounted for 48-50 per cent of industrial activity in the period 1995-1998, compared with 21 per cent in 1990. The proportion of engineering in the industrial mix has halved since 1990 and now fluctuates between 15 and 16 per cent. The light engineering sector has contracted sevenfold, now accounting for just 1.5 per cent of industrial activity.

7. The decline in manufacturing output slowed in 1995, while in the first half of 1998 production actually increased.

8. Compared to 1997, output rose in non-ferrous metallurgy, the motor industry, agricultural engineering, petrochemicals, timber processing and papermaking, light industry and the building materials industry.

9. The pattern of industrial ownership has changed significantly. The private sector has witnessed the most far-reaching developments. The proportion of non-State-owned enterprises increased from 23 per cent in 1991 to 80 per cent in 1998, and the volume of their output rose correspondingly from 17 per cent to 68 per cent.

10. Private-sector enterprises in the food industry, light industry, the timber-processing industry, and the pulp and paper industry account for between 92 and 98 per cent of total output, and in the metallurgical, glass, china and earthenware industries the figure is over 80 per cent.

11. Agriculture contributes 11 per cent of the gross added value generated in the various sectors of the Ukrainian economy. One fifth of the total workforce is employed in agriculture, and almost one quarter of the total value of the country's fixed assets in the material sphere are concentrated in this sector. Compared to 1990 levels, agricultural output had declined by 47 per cent in 1998; farms were three times less productive. These trends have prompted significant changes in the structure of production. Whereas in 1990 the principal agricultural producers were large-scale collective farms accounting for 71 per cent of production, in 1998 private farms were responsible for 58 per cent of total output. These units now provide almost the entire crop of potatoes and vegetables, fruit and berries, and nearly two thirds of basic livestock requirements.

12. In 1998 Ukraine produced 26.5 million tons of grain (almost half of the 1990 total, the year of highest yield), 15.5 million tons of sugar beet (almost two thirds of the 1990 figure), 1.7 million tons of meat (62 per cent less), 13.7 million tons of milk (44 per cent less), and about one billion eggs (almost half of the 1990 total).

13. Investment and construction started to pick up in 1998. Investment in capital assets grew by 4.8 per cent compared to 1997 (in contrast to previous years, when it was in steady decline). However, compared to 1990, investment and construction were down by 78.3 per cent.

14. Foreign interest in investing in the Ukrainian economy is decreasing.

15. During the period 1991-1997, the number of small enterprises in Ukraine almost tripled, totalling 136,000 in 1997. By 1997 small businesses employed 1.4 million people or 7 per cent of the total workforce in all sectors of the economy. Most small businesses are set up on a private or cooperative basis. Thirty-two per cent of small businesses are private companies, 66 per cent are cooperatives, and 2 per cent are State-run.

16. Certain price trends in the national economy during the period 1991-1998 should be noted. Consumer and industrial producer prices have risen steadily since 1991. After soaring in 1992, prices continued to climb throughout 1993 and peaked in that year. In the period 1994-1997 the rate of increase slowed somewhat, and this trend continued from January to August 1998.

17. The devaluation of the hryvnia was principally to blame for the price rise of September-December 1998, which affected consumers and industry alike. Over 1998 as a whole, consumer prices rose by 20 per cent and industrial producer prices by 35.3 per cent.

18. The nominal average monthly wage per worker in 1998 was HRV 135.5, or $62, according to the National Bank of Ukraine rate.

19. Price rises outstripped the increase in notional earnings during the period 1991-1999, and so wages actually fell by more than 70 per cent in real terms. The steepest drop occurred in 1992-1993. In recent years, wages have fallen by 12.9 per cent in real terms.

20. In the seven years since the adoption of the Employment Act, a number of changes have occurred on the labour market owing to structural transformations in the economy and worsening economic and social problems.

21. In the period 1992-1998, over 5 million unemployed job-seekers registered with the national employment service, one in five having been laid off as a result of reorganization of production. An average of 486,800 people were registered with the employment services every year between 1992 and 1995, but as many as 821,300 were registered in 1996 and 1.4 million in 1998.

22. Between 1992 and the end of 1994, enterprises' demand for labour almost matched the available supply. However, starting in 1995, the overall decline in the number of job vacancies, in the context of fast-rising unemployment, has caused an imbalance in the labour market. Thus, whereas two people on average were applying for every vacancy at the end of 1995, there were 11 applicants per vacancy at the end of 1996 and 30 per vacancy at the end of 1998.

23. One million people, or 3.5 per cent of the working population, were registered as unemployed with the national employment service as of 1 January 1999. However, the total number actually unemployed was many times higher. According to a survey in November 1998, there were 3 million jobless persons, or 12 per cent of the economically active population aged between 15 and 70, actively seeking employment and ready to work.

24. The overall socio-economic situation of Ukraine, and particularly the repercussions of the financial crisis which affected a number of countries in the Commonwealth of Independent States (CIS) in 1998, continues to impact negatively on the development of the country's principal population indicators. Population reproduction is unfortunately characterized by predominantly negative trends, principally as a result of social instability and the declining standard of living.

25. Ukraine is a multi-ethnic State. According to the last census in 1989, there were over 110 nationalities and peoples living in Ukraine. As in all previous censuses, nationality was recorded according to the self-designation of the respondents, and the nationality of children was determined by that of their parents.

26. Ukrainians - the indigenous nationality - are the largest group, accounting for 37.4 million, or 72.7 per cent of the total population, according to the census.

27. In addition to Ukrainians, there are 14 million Russian speakers from other CIS countries (27 per cent of the population). The bulk of these (81 per cent) are ethnic Russians,

numerically the second-biggest group in the country after Ukrainians. There are more than 11 million Russians in Ukraine, accounting for 22 per cent of the population.

28. According to the census, Jews form the third largest nationality. They number about 500,000, or 0.9 per cent of the population.

29. The resettlement of Crimean Tartars in Ukraine, which began in the mid-1980s and became a massive flow by the end of the decade, accounts for the significant increase in their numbers (46,800 in 1989, as compared with 6,600 in 1979). The return of deported Crimean Tartars accelerated significantly during the 1990s. According to the current population count, as of 1 January 1999 there were over 250,000 Crimean Tartars permanently resident in the Autonomous Republic of Crimea alone.

30. Owing to significant migratory movements from areas of the Russian Federation with a labour surplus, the number of Lezgins, Dargins, Kumyks, Rutuls and Tabasarans in Ukraine more than doubled or even trebled in the years immediately preceding the last census.

31. The most numerous of the nationalities which mainly live outside Ukraine's borders are, according to the census, Bulgarians (234,000 or 0.5 per cent of the population); Poles (219,000 or 0.4 per cent); Hungarians (163,000 or 0.3 per cent); and Greeks (99,000 or 0.2 per cent).

32. The population of Ukraine as of 1 January 1999 was 50.1 million, of which 67.9 per cent (34 million) was urban and 32.1 per cent (16.1 million) was rural. As regards the sex structure of the population, 53.5 per cent (26.8 million) was female and 46.5 per cent (23.3 million) was male.

33. According to statistics from the beginning of this year, Ukraine's average population density was 83 persons per km^2. This index is much higher in the urbanized and industrially developed eastern oblasts and in the western areas where private-sector agricultural activity is concentrated.

34. During the past five years the Ukrainian population has been falling by an average rate of almost 400,000 a year. In the past year alone the total population has dropped by 394,300. Negative growth was first recorded in 1993. The principal factor is and remains natural population decline, which in 1998 was 300,700.

35. The determining causes of the natural population decline are a falling birth rate coupled with a high mortality rate. Compared with the position at the beginning of 1990, the total birth rate in Ukraine has fallen by 31.4 per cent; in 1998 the rate of decline was 8.3 per cent. The national birth rate is regarded as insufficient because, for some time now, the population has been unable to reproduce itself: the net reproduction rate in 1997-1998 was 0.578, whereas this indicator should be no less than 1. Almost half the number of families with children aged under 18 are families with one child. The number of one-child and childless households is increasing.

36. The birth rate depends to a considerable extent on the correlation between the number of marriages and divorces. There has been a marked and continuous decline in the number of

marriages contracted in Ukraine in recent years (in 1998 there were 6.2 marriages per 1,000 of population, whereas in 1991 this indicator was 9.5); the number of divorces has stabilized, remaining practically unchanged since the mid-1970s (3.6-3.9 divorces per 1,000 of population). There is an increasing trend towards non-formal conjugal unions and family structures in Ukrainian society. The number of children born out of wedlock is rising, as is the number and proportion of single mothers (over 90 per cent of all divorcees are women of child-bearing age). It is abundantly clear that couples cannot afford to have as many children as they want: families with children, and especially large families, are among the least well-protected groups in society, together with lone-parent families (maintained for the most part by women) and families with disabled children. The presence of children in a family significantly reduces its financial independence and the size of the average per capita income - the income of a household with three or more children is three or four times lower than that of a single-child household.

37. A second component of natural population change is the mortality rate. Over the last eight years the general death rate has risen by 10.9 per cent, reaching 14.3 per thousand of population in 1998. Mortality has increased in almost all age groups of the male population without exception, and among women aged 20 and over. The high mortality rate among persons of working age is a matter of particular concern, a noteworthy characteristic being marked sex- and age-specific differentiation: in all sectors of the population aged between 20 and 50, mortality among males is double that of females. In rural areas the mortality rate greatly exceeds the same indicator for urban areas: 18.2 as against 12.5 deaths per 1,000 of population.

38. Depopulation in Ukraine is causing adverse qualitative changes in the country's age structure, in the sense that the population is getting older. Over the past decade the average age has increased by 1.3 years to 38, whereas the proportion of persons aged over 60 has risen 1.4 per cent to 20.1 per cent of the population as a whole. A particularly disadvantageous age structure has developed in rural areas, where persons above working age make up one third of the population. The demographic burden per 1,000 of population of working age represented by persons of non-working age is 1,019 in rural areas and 669 in urban areas, i.e. every person of working age in the countryside must "support" more than one person of non-working age.

39. At the beginning of the 1990s there was a positive balance of migration into and out of Ukraine, and the increase in the total population in 1991-1992 was actually due to net immigration. Net immigration was also recorded in 1993, but the number of arrivals did not exceed the natural decline, and therefore the population decreased in overall terms. The Ukrainian population has been falling since 1994 as a result of net emigration and natural population decline. In 1998 net migration was also negative, with 93,600 people leaving the country.

40. Migration from Ukraine to countries outside the former Soviet Union in the early 1990s had an obvious ethnic dimension. The principal destinations were (and still are) Israel, the United States of America and Germany. The motivation for leaving has recently changed markedly: an analysis of the national composition of those leaving indicates that ethnic considerations are no longer the principal reasons for departure - emigration is now prompted to a large extent by economic instability in the country.

41. The considerable flow of immigrants is mainly composed of ethnic Ukrainians and persons of Ukrainian extraction, and also returning Crimean Tartars and ethnic Germans who were deported in the past. Ukraine is the only country in the post-Soviet area to have met nearly all the return and installation costs incurred by these repatriates. Approximately $300 million of public funds have been set aside for this purpose during the period under review. Despite the difficult economic situation and the general financial crisis, budget appropriations have consistently been made for the needs of this category of citizens. Nevertheless, Ukraine especially requires international assistance to provide financial support for the return and installation of deported Crimean Tartars and other nationalities.

42. Another problem, related to enforced migration, is the inflow of refugees which occurred in Ukraine in the late 1980s. According to expert estimates, Ukraine took in some 150,000 refugees from former Soviet republics during this period. In recent years the number of refugees from Africa, South-East Asia and the Middle East has increased. The Refugees Act has granted this category of the population basic social rights, including the right to medical care, education and employment. Ensuring these rights is, of course, also causing some financial strain in the country's already difficult economic situation.

43. The overall social and demographic situation in Ukraine is therefore characterized by a gradual aging of the population; a declining birth rate and a relative stabilization of the high mortality rate; a deterioration in the national health, including reproductive health; worsening problems confronting families, mothers and children; high net emigration, primarily of persons of working age; and an unfavourable economic climate. Of the various measures designed to curb these negative trends, the most important is the Ukrainian Government's special programme of action to improve the national demographic situation. The main aim of these measures is to tackle the most serious population issues in a systematic way by devising and introducing comprehensive and specially-targeted programmes within the framework of a unified national population strategy.

PART II - INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE CONVENTION

Article 2

44. Ukrainian law prohibits any form of racial discrimination or racial propaganda.

2 (a)

45. The right to equality before the law in all areas of economic, social, political and cultural life is guaranteed under article 24 of the Constitution, which states: "Citizens have equal constitutional rights and freedoms and are equal before the law. There shall be no privileges or restrictions based on race, skin colour, political, religious or other beliefs, sex, ethnic and social origin, property status, place of residence, linguistic or other characteristics." The right to equality before the law and the prohibition of discrimination on ethnic grounds is also enshrined in the National Minorities Act (arts. 1, 9 and 18).

46. The obligation of citizens to respect the culture, language, traditions, customs and rites of national minorities is enshrined in article 2 of the National Minorities Act and article II of the Principles of Ukrainian Cultural Legislation. Under article 56 of the Education Act, teachers and educationalists must "instil in pupils and students an awareness characterized by a spirit of mutual understanding, peace and harmony between peoples and ethnic, national and religious groups".

47. On the instructions of the Ministry of Education, theoretical and practical teams have been set up under the auspices of the Ministry of Education of the Autonomous Republic of Crimea, education authorities at oblast level and the Kiev and Sevastopol City State Administrations to deal with issues concerning multicultural education, fostering mutual respect between representatives of different ethnic groups, and averting and settling conflicts arising on national or religious grounds.

2 (b)

48. Article 37 of the Constitution prohibits the activity of political parties and voluntary organizations whose stated aims or activities are calculated to incite inter-ethnic, racial or religious hatred. Similar provisions are contained in article 66 of the Criminal Code, which makes it a criminal offence to incite national strife, demean national honour and dignity, or restrict rights on the basis of a citizen's national affiliation. Article 3 of the Print Media (Press) Act prohibits the use of the print media to incite racial, national or religious strife.

2 (c)

49. Pursuant to initiatives by national minority associations, article 18 of the current National Minorities Act (which states that "any direct or indirect restriction of the rights and freedoms of citizens on the grounds of nationality is prohibited and punishable by law") has been redrafted in a new bill as follows: "Any direct or indirect restriction of the rights and freedoms of citizens on

the grounds of nationality or race, as well as actions calculated to incite inter-ethnic, racial or religious strife, are prohibited and punishable by law." (The new bill is being considered by the Verkhovna Rada.)

50. According to information supplied by the Judaica Institute, a voluntary organization which monitors publications of an anti-Semitic persuasion, approximately 260 such publications appeared in 1998. The Judaica Institute also notes an increase in the number of publications denouncing anti-Semitism. Publications representing various shades of political opinion have condemned cases of anti-Semitism, and the number of publications taking a conceptual approach to the subject (by leading politicians, researchers at the Ukrainian Academy of Sciences, university professors, etc.) has also increased.

51. The President of Ukraine, Leonid Kuchma, has condemned ethnic intolerance and urged all Ukrainian citizens, political parties and organizations to create a climate opposed to any such shameful practices in Ukrainian society. The President noted that incitement to inter-ethnic hatred is all the more odious in view of the great efforts that have been made in recent years to preserve, safeguard and develop the national identity of the Polish, Jewish, Hungarian, Romanian and other national minorities living in Ukraine.

2 (e)

52. Ukraine pays particular attention to the development of cooperation between ethnic groups. Representatives of national minorities jointly discuss and take decisions in a consultative body, the Council of Representatives of National Minority Voluntary Associations, which reports to the State Committee on Nationalities and Migration (the central executive body in the field of inter-ethnic relations). There are also consultative councils of national minority representatives working with local government authorities. In Crimea there is an Association of Crimean National Societies and Communities, and a Confederation of National and Cultural Communities of Western Ukraine has been set up.

53. In the last two years representatives of national minority voluntary organizations have held two conferences on the education of national minorities in Ukraine and on social welfare in national communities in Ukraine. These conferences were attended by representatives of approximately 18 national minority voluntary organizations.

54. A biennial nationwide festival, "All of us are your children, Ukraine!", features about 30 amateur national minority ensembles.

55. The cultural and educational needs of people who belong to national minorities are catered for in the same way as the needs of other citizens within the framework of the State's overall education and cultural policy. Furthermore, in order to protect and develop the cultural identity of ethnic minorities, the State is taking additional measures to satisfy their educational and cultural requirements through special programmes.

56. A State programme for the revival and development of national minority education to the year 2000 has been in place since 1994. Thanks to this programme, in addition to 16,032 Ukrainian-language general secondary schools catering for 4,421,265 students, in the 1998-1999

academic year there were 2,561 Russian-language schools with 2,313,901 students; 108 Romanian-language schools with 27,776 students; 18 Moldovan-language schools with 4,509 students; 65 Hungarian-language schools with 21,214 students; 6 Crimean Tatar schools with 4,071 students; and 3 Polish-language schools with 1,109 students.

57. There are also 2,469 mixed general secondary schools, of which 2,394 are Ukrainian-Russian, 28 are Ukrainian-Hungarian, 7 are Ukrainian-Romanian, and 9 are Russian-Romanian. Russian is studied in 90 per cent of general secondary schools. Crimean Tatar is studied by 38,146 pupils, Hungarian by 2,484, Polish by 1,489, Romanian by 1,433, Yiddish by 1,246, Bulgarian by 13,893, Greek by 650, and Gagauz by 788.

58. In addition, pupils may study Crimean Tatar, Hungarian, Polish, Romanian, Turkish, Yiddish, Bulgarian, Gagauz, Greek, Slovak, Czech or German as an optional language at school.

59. The State organizes and pays for the training of teaching staff at schools which offer tuition in a minority language. In 1999 the Government adopted a framework of measures for the comprehensive development of national minority cultures up to 2001, which provides for the implementation of a range of cultural, educational and publishing projects designed to enhance the cultural opportunities available to national minorities and satisfy the spiritual needs of persons belonging to these minorities.

Article 3

60. Article 66 of the Criminal Code makes it a criminal offence wilfully to incite national, racial or religious hostility and hatred, to demean national honour and dignity, to offend a person's dignity in connection with his or her religious beliefs, or directly or indirectly to restrict rights or confer advantages on the basis of a citizen's race, nationality or attitude to religion.

61. Article 413 of the draft Criminal Code criminalizes genocide, i.e. any act committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group by killing members of the group; causing them serious bodily harm; inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to reduce or prevent births; or forcibly transferring children of the group to another group.

Article 4

62. Article 24 of the Constitution stipulates that citizens have equal constitutional rights and freedoms and are equal before the law. There shall be no privileges or restrictions based on race, skin colour, political, religious or other beliefs, sex, ethnic and social origin, property status, place of residence, linguistic or other characteristics.

63. Equal rights for women and men are ensured (a) by providing men and women with equal opportunities in social, political and cultural life, education, vocational training, employment and remuneration for their work; (b) by special measures to protect women's occupational safety and health; (c) through pension benefits; (d) by creating conditions that

enable women to combine work and motherhood; (e) by legal protection and financial and moral support for mothers and children, including paid leave and other benefits for pregnant women and mothers.

64. The Constitution prohibits the establishment and activity of political parties and voluntary organizations whose stated aims or actions are calculated to destroy the independence of Ukraine; change the constitutional order by violent means; violate the sovereignty and territorial integrity of the State; undermine its security; unlawfully seize State power; preach war, violence or incitement to inter-ethnic, racial or religious hatred; violate human rights and freedoms; or endanger public health. Only the courts have the power to ban the activities of voluntary associations (Constitution, art. 37).

65. Article 66 of the Criminal Code makes it a criminal offence wilfully to incite national, racial or religious hostility and hatred, to demean national honour and dignity, to offend a person's dignity in connection with his or her religious beliefs, or directly or indirectly to restrict rights or confer advantages on the basis of a citizen's race, nationality, or attitude to religion.

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Article 5

5 (a)

67. Article 8, paragraph 3, of the Constitution states that the right to apply to a court for the protection of the constitutional rights and freedoms of the individual and the citizen is directly guaranteed under the Constitution.

68. Articles 21 and 24 of the Constitution state that everyone is free and equal in their dignity and rights, and that human rights, and freedoms are inalienable and inviolable. Citizens have equal constitutional rights and freedoms and are equal before the law.

69. Article 55 of the Constitution states that the rights and freedoms of individuals and citizens are protected by the courts. Everyone is guaranteed the right to challenge through the courts the decisions, actions or omissions of State or local government authorities, officials or employees.

70. Every citizen has the right of recourse to the Human Rights Commissioner of the Verkhovna Rada for the protection of his or her rights.

71. Following the exhaustion of all domestic legal remedies, everyone has the right of recourse to the relevant international judicial institutions or the relevant bodies of international organizations of which Ukraine is a member, or in which it participates, for the protection of their rights and freedoms.

72. Everyone has the right to protection of his or her rights and freedoms from violations and unlawful encroachments by any means not prohibited by law.

73. Article 61 of the Constitution states that no one may be prosecuted twice for the one and the same offence.

74. The legal responsibility of the person is individual. Article 56 of the Constitution states that everyone is entitled to be compensated by the State or local government authorities for material or moral damage caused by the unlawful decisions, actions or omissions of State or local government authorities and their officials and employees in the exercise of their functions.

75. Article 6 of the Code of Civil Procedure stipulates that civil justice shall be administered by the courts alone on the principle of the equality of all citizens before the law and the courts, irrespective of their origin, social and property status, race or nationality, sex, education, language, attitude to religion, type and nature of occupation, place of residence or other circumstances.

76. Article 16 of the Code of Criminal Procedure establishes that criminal justice shall be administered on the principle of the equality of citizens before the law and the courts, irrespective of origin, social and property status, race or nationality, sex, education, language, attitude to religion, type and nature of occupation, place of residence or other circumstances.

77. In accordance with article 1, paragraph 1, of the Compensation Procedure (Injury to Citizens Pursuant to Unlawful Actions of Agencies of Initial Inquiry and Preliminary Investigation, the Procurator's Office and the Courts) Act, the following categories of injury to citizens are liable to compensation: unlawful conviction; unlawful indictment; unlawful arrest and custody; unlawful search, confiscation, seizure of property; dismissal from work or employment, and other procedural steps which restrict citizens' rights during investigative or judicial proceedings. Injury shall be compensated in full, regardless of whether the officials involved work for the agencies of initial inquiry or preliminary investigation, the Procurator's Office or the courts.

78. Article 443 of the Civil Code prescribes liability for injury resulting from the unlawful actions of agencies of inquiry and preliminary investigation, the Procurator's Office and the courts. The injury caused to a citizen by unlawful conviction, unlawful criminal prosecution, unlawful arrest or custody as a preventive measure, or unlawful imposition of an administrative penalty in the form of punitive deduction of earnings, shall be compensated by the State in full regardless of the culpability of the agencies of initial inquiry or preliminary investigation, the Procurator's Office or the courts, in accordance with the procedure established by law.

79. According to information provided by the Supreme Court, no criminal or civil cases involving racial discrimination have come before the courts in the last five years.

5 (b)

80. Article 29, paragraph 1, of the Constitution states that everyone has the right to freedom and security of person.

5 (c)

81. Article 38 of the Constitution states that citizens have the right to participate in the conduct of public affairs, in nationwide and local referendums, and freely to elect or be elected to central and local government bodies.

82. Citizens have equal right of access to public service at national and local level.

83. Article 69 of the Constitution states that the will of the people shall be expressed through elections, referendums and other forms of direct democracy.

84. Article 70 of the Constitution states that the right to vote in elections and referendums is enjoyed by Ukrainian citizens aged at least 18 at the time of the election or referendum. Citizens who have been declared incapable by a court are not entitled to vote. Elections to central and local government bodies are free and shall take place on the basis of universal equal and direct suffrage and by secret ballot. Voters are guaranteed the right to express their will freely (Constitution, art. 71).

85. Article 127 of the Criminal Code makes it a criminal offence to obstruct, by violence, deception, threats, bribery or other means, the right to vote , the right to be elected President of Ukraine or a people's deputy, or to canvass. Penalties for such offences are also set forth in article 153 of the draft Criminal Code.

86. Article 129 of the Criminal Code makes it a criminal offence to obstruct, by violence, deception, threats, bribery or other means, a citizen's right freely to take part in a referendum or to canvass on the day of a referendum. Penalties for such offences are also set forth in article 156 of the draft Criminal Code.

5 (d) (i) and (ii)

87. Article 33 of the Constitution states that everyone lawfully present in Ukraine is guaranteed freedom of movement, free choice of place of residence, and the right freely to leave Ukraine, subject to the restrictions established by law.

88. The right to leave any country, including one's own, and to return to one's country is safeguarded by the provisions of the following legislative acts:

(a) Act No. 210/97 VR, of 16 April 1997, amending the Ukrainian Citizenship Act, which in article 2, paragraph 2 states that Ukrainian citizenship is held by persons, regardless of race, skin colour, political, religious and other views, sex, ethnic and social origin, property status, place of residence, and linguistic or other characteristics, who at the time of the entry

into force of the Ukrainian Citizenship Act (No. 1636-12), on 13 November 1991, were permanently resident in Ukraine and are not citizens of another country;

(b) The Ukrainian Citizens (Entry-Exit Procedures) Act (No. 3857-XI of 21 January 1994), which in article 1, states that Ukrainian citizens have the right to leave Ukraine, except in the cases specified by this Act, and to enter Ukraine, and that on no grounds may a Ukrainian citizen be barred from entering Ukraine;

(c) The Aliens (Legal Status) Act (No. 3929-XII, of 4 February 1994), which in article 2, paragraph 2, states that aliens are equal before the law irrespective of their origin, social and property status, race or nationality, sex, language, attitude to religion, type and nature of occupation, or other circumstances.

None of the above-mentioned laws contains any restrictions with regard to race, skin colour, or national or ethnic origin.

5 (d) (iii)

89. Article 25 of the Constitution states that no Ukrainian citizen may be deprived of his or her citizenship or right to change citizenship.

90. No Ukrainian citizen may be exiled from Ukraine or extradited to another State.

91. Ukraine guarantees the care and protection of its citizens outside its borders.

92. Article 2 of the Ukrainian Citizenship Act states that the following categories of persons are considered Ukrainian citizens:

(a) All citizens of the former USSR who were permanently living in Ukrainian territory when Ukraine's independence was proclaimed on 24 August 1991;

(b) Persons, irrespective of race, skin colour, political, religious and other views, sex, ethnic and social origin, property status, place of residence, linguistic or other characteristics, who were permanent residents of Ukraine when the Ukrainian Citizenship Act came into force on 13 November 1991 and are not citizens of another country;

(c) Persons born or permanently resident in Ukraine and their descendants (children, grandchildren), if they were living outside Ukraine on 13 November 1991 and are not citizens of another State, and have submitted an application by 13 December 1999 under the procedure specified in this Act to confirm their Ukrainian citizenship;

(d) Persons who have acquired Ukrainian citizenship under this Act.

5 (d) (iv)

93. In accordance with article 51 of the Constitution, marriage is based on the free consent of both partners. Each spouse has equal rights and obligations in marriage.

5 (d) (v)

94. Article 41 of the Constitution states that everyone has the right to own, use and dispose of his or her property and the results of his or her intellectual and creative work.

95. The right to private property is acquired under the procedure determined by law.

96. In order to satisfy their needs citizens can avail themselves of the benefits of State and communal ownership in accordance with the law.

97. No one may be unlawfully deprived of the right to property. The right to private property is inviolable.

5 (d) (vii)

98. Under article 34 of the Constitution everyone is guaranteed the right to freedom of opinion and speech, and the free expression of his or her views and beliefs.

99. Everyone has the right freely to collect, store, use and disseminate information orally, in writing or by other means of their own choosing.

100. The exercise of these rights may be restricted by law in the interests of national security, territorial integrity or public order with the purpose of preventing disturbances or crimes, protecting the health of the population and the reputation or rights of other persons, preventing the disclosure of information received confidentially, and supporting the authority and impartiality of the system of justice.

101. Article 35 of the Constitution provides that everyone has the right to a personal philosophy and religion. This right includes the freedom to profess or not to profess any religion, to perform alone or collectively and without constraint religious rites and ceremonial rituals, and to conduct religious activity.

102. The exercise of this right may be restricted by law only in the interests of protecting public order, the health and morals of the population, and the rights and freedoms of other persons.

5 (d) (xi)

103. In accordance with article 39 of the Constitution citizens have the right to assemble peacefully without arms and to hold meetings, rallies and demonstrations, upon notifying in advance the bodies of the executive power or bodies of local government.

104. Restrictions on the exercise of this right may be established by a court in accordance with the law and only in the interests of national security and public order, with the purpose of preventing disturbances or crimes and protecting the health of the population and the rights and freedoms of other persons.

5 (e) (i)

105. Article 43 of the Constitution provides that everyone has the right to work, including the possibility to earn one's living by labour that he or she freely chooses or to which he or she freely agrees.

106. The State creates conditions for citizens fully to realize their right to work, guarantees equal opportunities in the choice of an occupation and type of labour activity, and implements programmes of vocational education, training and retraining of persons according to the needs of society. The use of forced labour is prohibited. Military or alternative (non-military) service, and also work or service carried out by a person in accordance with an order or other court decision, or in accordance with the laws on martial law or a state of emergency, are not considered to be forced labour.

107. Everyone has the right to proper, safe and healthy working conditions, and to remuneration which is no less than the minimum wage as determined by law.

108. The employment of women and minors for work that is hazardous to their health is prohibited.

109. Citizens are guaranteed protection from unlawful dismissal. The right to timely payment for labour is protected by law.

110. In the area of social policy, the strategy of the State is defined in Presidential Decree No. 1166/1997, dated 18 October 1997, on the main objectives of social policy for the period 1997-2000. The Decree aims to establish specific mechanisms to implement the principles of a socially oriented economy and enhance the effectiveness of a social policy for the sound management of available material and financial resources. A primary aim of social policy is to ensure full and productive employment, improve the quality and competitiveness of the labour force and alleviate the social consequences of unemployment.

111. State employment policy takes account of international standards. In line with the provisions of the Employment Act, it is based on the principle of the equal rights and opportunities of all citizens, regardless of their origin, social and property status, race, nationality, age, political views or attitude to religion, freely to choose work according to their capabilities and vocational training, having regard for their personal interests and the needs of society.

112. The main objectives of State employment policy are to carry out a range of inter-related measures in the investment, technical, financial and social spheres, to improve the forms and methods of vocational training and retraining, to enhance the mobility of the labour force and to establish a civilized labour market and reliable social protection against unemployment.

113. In order to implement this policy and ensure that citizens enjoy social protection against unemployment, as guaranteed by the Constitution, a State employment service has been

established and in operation since 1991. All persons of working age are guaranteed assistance from the State employment service in relation to their situation in the labour market and their capabilities, skills and education.

114. The number of persons who make use of this agency's services is growing every year.

115. In order to create the socio-economic and organizational conditions to prevent a rise in unemployment, regulate the labour market and provide a social safety net for the unemployed, the Ukrainian Government draws up and approves appropriate programmes. National economic and social development programmes are adopted annually.

116. Work has begun on a State programme to develop Ukraine's labour resources, which will outline a series of measures to enhance the output of labour, the quality of work, and jobs etc. The coordination of employment initiatives with other economic and social policy objectives is provided for in the employment programme. Based on the main principles of economic and social policy defined by the Supreme Council and the Cabinet of Ministers action plan, an employment programme for the period 1997-2000 has been adopted to meet the medium-term objectives of developing the labour market and implementing State employment policy in Ukraine. It makes provision for Government policy priorities in the labour market and active State regulation to ensure an optimum level of employment and a balance in the supply of and demand for labour. Local authorities ensure the effectiveness of State employment measures by approving appropriate regional employment programmes which take account of the specific features of each area when tackling employment-related issues.

117. Article 9 of the Remuneration for Work Act stipulates that, in determining the level of the minimum wage, account must be taken of the monetary value of the minimum consumer budget, the overall level of average earnings, labour productivity, the level of employment and other economic factors. The minimum wage is set at a level no less than the poverty threshold expressed in money terms.

118. However, owing to the difficult economic situation in the country, the minimum wage does not as yet correspond to this level. The Government is taking steps to align these indicators as the economy stabilizes and develops. During the last three years the minimum wage has increased almost five-fold.

5 (e) (ii)

119. The third paragraph of article 36 of the Constitution states that citizens have the right to take part in trade unions in order to protect their labour and socio-economic rights and interests. Trade unions are social organizations that unite citizens by common interests in respect of their occupational activities.

120. The observance of trade union rights in Ukraine is guaranteed by the Constitution, the Citizens' Associations Act, the Collective Contracts and Agreements Act, the Collective Labour Disputes and Conflicts (Settlement Procedure) Act and the Labour Code of Ukraine.

121. In addition, the Verkhovna Rada adopted the Trade Unions (Rights and Guarantees) Act in June 1999, which is now awaiting signature by the President.

122. The right to strike is an important guarantee of the protection of citizens' collective, economic and social rights and interests. Article 44 of the Constitution states that all working people have the right to strike to protect their economic and social interests. The procedure for exercising the right to strike is set forth in the Collective Labour Disputes and Conflicts (Settlement Procedure) Act, adopted by the Verkhovna Rada on 3 March 1998.

123. No one may be compelled to participate or be prevented from participating in a strike. Strikes may be prohibited only by law.

124. The Collective Labour Disputes and Conflicts (Settlement Procedure) Act states that a strike is a method of last resort for the settlement of labour disputes and conflicts (when all other possibilities have been exhausted) following the refusal by an employer or his authorized agent or representative to meet the demands of employees or their authorized agent, trade union, trade union association or authorized agent thereof.

125. Restrictions on strike action are provided for in the Collective Labour Disputes and Conflicts (Settlement Procedure) Act.

126. There are no statutory rules in Ukraine restricting the rights of trade unions to operate freely.

127. Articles 22 to 24 of the State of Emergency Act adopted by the Supreme Council on 26 June 1999 stipulate that some measures restricting the rights and freedoms of citizens, social organizations and entrepreneurs may be applied during a state of emergency. These include the prohibition of strikes and suspension, following appropriate warning, of the activities of political parties, social organizations, mass movements and voluntary associations of citizens, if these activities impede the normalization of the situation.

128. Article 31 of the Citizens' Associations Act states that in order to stop illegal activity by an association of citizens, upon an application from a certifying body or procurator, a court may temporarily prohibit certain kinds of activity or the operation of the association for a period of up to three months.

129. Article 8 of the Citizens' Associations Act states that interference by government bodies and officials in the activities of citizens' associations is not permitted, except in circumstances defined by law. Trade union membership is voluntary. Workers are admitted to a trade union on an individual basis upon request at a branch meeting, or otherwise at a meeting of the shop-floor or some other local organizational unit. Any worker who accepts the rules of the trade union, pays the membership dues and takes part in the work of the local trade union organization can be a union member.

130. Trade unions operate in accordance with rules which they themselves adopt. Trade unions are formed to represent, realize and protect the labour, socio-economic and other rights, freedoms and interests of their members.

131. There are no special legal provisions regarding the formation of trade unions by particular categories of workers. Unions may be formed without prior permission by the free choice of their members. All trade unions have equal rights.

132. Ukrainian law and trade union rules place no restrictions on workers' rights to join and form trade unions.

133. The Trade Unions (Rights and Guarantees) Act adopted by the Verkhovna Rada states that particular aspects of the implementation of this law in the Ukrainian Armed Forces (in respect of military personnel), internal affairs agencies and the National Security Service shall be specified by relevant statutes.

134. Article 18 of the Militia Act stipulates that militia officers have the right to form trade unions.

135. Under article 5 of the Military Personnel and Family Members (Social and Legal Protection) Act, military personnel have the right to form their own social associations.

136. There is currently a trade union for attested employees of the internal affairs agencies, and there are two trade unions for military personnel.

137. Since the submission of the previous report, the Verkhovna Rada has adopted the Collective Labour Disputes and Conflicts (Settlement Procedure) Act and the Trade Unions (Rights and Guarantees) Act, both of which are awaiting the President's signature. Pursuant to a Presidential Decree of 17 November 1998, a National Mediation and Conciliation Service has been established, together with five regional departments.

138. In its concluding observations, the Committee on Economic, Social and Cultural Rights expressed concern that the formation of trade unions was prohibited in a range of sectors and types of wage labour, including civil aviation and communications. However, no such prohibition is envisaged under Ukrainian law. Several long-established trade unions are active in these sectors: unions for aviation workers, civil aviation flight personnel and air traffic controllers, and a union for communications workers.

5 (e) (iv)

139. Article 49 of the Constitution states that everyone has the right to health protection, medical care and medical insurance. Health protection is ensured through State funding of the relevant socio-economic, medical and sanitary, health improvement and prophylactic programmes.

140. The State creates conditions for effective medical services accessible to all citizens. State and communal health protection institutions provide medical care free of charge; the existing network of such institutions may not be reduced. The State promotes the development of medical institutions of all forms of ownership.

141. Ukraine has a programme of benefits to cover temporary invalidity (sickness), pregnancy and childbirth, maternity, funeral expenses, treatment at a sanatorium or resort and restorative holidays, all of which are payable from the National Insurance Fund.

142. The procedure for payment and establishment of benefits in connection with temporary invalidity, pregnancy and childbirth, maternity, funeral expenses, treatment at a sanatorium or resort and restorative holidays is governed by existing laws and regulations.

143. Temporary invalidity benefits payable in the event of sickness are awarded in accordance with the Regulations on the Procedure for Payment of National Social Insurance Benefits, ratified by Decision No. 13-6 of the Presidium of the All-Union Central Council of Trade Unions (12 November 1984) with relevant amendments and additions, i.e. in accordance with the legislation of the former Soviet Union.

144. The award and payment of benefits in connection with pregnancy and childbirth, maternity, childcare for under three-year-olds, and temporary inability to work on the grounds of caring for a sick child under the age of 14 are provided for in the State Family and Child Benefits Act of 21 November 1992 and the Regulations pursuant to this Act.

145. A funeral allowance is payable in accordance with the decision of the Cabinet of Ministers and the procedure for award of this allowance as ratified by a number of ministries and departments.

146. The Chernobyl Accident (Status and Social Protection of Affected Persons) Act, the Military Personnel and Family Members (Social and Legal Protection) Act, the War Veterans (Social Welfare Guarantees) Act, and the Social Welfare Basic Provisions (Labour Veterans and Other Elderly Citizens) Act contain regulations on the award of temporary invalidity assistance to certain categories of citizens.

147. Benefits connected with temporary invalidity, pregnancy and childbirth, maternity, and funeral expenses are payable at the beneficiary's place of work (or place of study in the case of students).

148. Temporary invalidity benefit payable in the event of sickness varies according to total length of service. It is assessed at the following rates:

- 100 per cent of the average wage (income) for workers with eight or more years' service;
- 80 per cent of the average wage (income) for workers with between five and eight years' service;
- 60 per cent of the average wage (income) for workers with less than five years' service.

Temporary invalidity benefit is assessed at a rate of 100 per cent regardless of length of service for the following categories:

- Persons unable to work because of industrial injury or occupational illness;
- Workers with three or more dependent children aged under 16 (under 18 for children in full-time education);
- War veterans and associated categories;
- Category 1-4 workers affected by the Chernobyl accident;
- A parent or guardian who is caring for a child under 14 and was affected by the Chernobyl accident (including treatment at a sanatorium or resort);
- Wives (husbands) of military personnel, except personnel on fixed-term military service;
- Workers formerly categorized as orphans or children lacking parental care.

149. The allowance paid to people who are temporarily unemployable because they are caring for a sick child under the age of 14 is assessed at the following rates:

- 100 per cent of the average wage (income) for persons who have worked for eight years or more, workers formerly categorized as orphans or children lacking parental care; and persons under the age of 21 with a total of up to five years' work experience;
- 80 per cent of the average wage (income) for workers with a total of between five and eight years' service;
- Sixty per cent of the average wage (income) for workers with a total of up to five years' service.

150. In calculating temporary invalidity benefit, with the exception of cases involving industrial injury, occupational disease, and category 1 and 2 workers affected by the Chernobyl accident, the actual wage used as a basis for the calculation does not exceed an amount equal to double base pay (salary).

151. A childcare allowance for working parents is payable for a period not exceeding 14 days at a time.

152. Temporary invalidity benefits account for approximately one half of all outlays of the National Insurance Fund's budget.

153. Pregnancy and childbirth benefit is assessed at a rate of 100 per cent for a period of 126 calendar days (in the event of complications during birth, or the birth of two or more children, this period is extended to 140 calendar days). Category 1-4 working women affected

by the Chernobyl accident may draw this benefit for 180 calendar days. Upon expiry of this period, one parent may take childcare leave (at a fixed rate of benefit) until the child reaches its third birthday.

154. A family is entitled to a lump-sum benefit equal to four times the minimum wage upon the birth of a child. Mothers who registered with a medical institution during the early stages of pregnancy (up to 12 weeks) and regularly sought and followed medical advice may draw a supplementary benefit equal to double the minimum wage on giving birth.

155. In the event of the birth of two or more children, a lump-sum benefit is paid to a family on a per-child basis. This benefit is payable if the beneficiaries submit a relevant application within six months of the child's birth. In certain cases this benefit is also payable to adoptive parents or a child's guardian.

156. The National Insurance Fund also pays a fixed-sum funeral grant on the death of the following categories of person:

- A citizen employed at an enterprise, institution or organization (except for working pensioners);

- A citizen who lost his or her job as a result of the closure, reorganization or conversion of an enterprise, institution or organization, and was entitled to an average wage for the period of job-placement, but for no longer than three months;

- A person who was not in employment but was making contributions to the National Insurance Fund;

- A postgraduate student, a doctoral student, a clinical registrar, a student on an intramural course at a higher educational establishment, or a student at a vocational college;

- A dependant of a person in one of the above-listed categories.

157. The National Insurance Fund also pays allowances for treatment at sanatoria and resorts and defrays the cost of holidays for workers and members of their families. It pays for the upkeep of preventive-medical sanatoria and sponsors other restorative and rehabilitation measures.

158. In practice, most travel passes for treatment or recreation is only partially subsidized, since the beneficiary meets 10 per cent of the cost. Fully-subsidized travel passes account for no more than 1 per cent of the total number issued. Free travel passes are made available to persons who have suffered an acute myocardial infarction; pregnant women; mothers and children; adolescents; working labour and war veterans; decorated persons; and young people referred to health-building camps for children and students.

159. Benefits for working citizens are paid out of compulsory social insurance contributions which are transferred into a special account of the National Insurance Fund by enterprises, institutions and organizations irrespective of their form of ownership or the nature of their

business. Insurance contributions are calculated on the basis of the wage fund (currently at 4 per cent) and other taxable payments. The amount payable in compulsory social insurance contributions is established by the Supreme Council.

160. This form of insurance therefore covers all wage earners and self-employed persons (entrepreneurs, legal practitioners, notaries, and persons engaged in creative or other income-generating activity) and members of their families.

161. A bill on compulsory State social insurance for temporary inability to work, for costs related to childbirth and for funeral expenses has now been drawn up. The bill reflects the provisions of article 46 of the Constitution and legislation of Ukraine on general and compulsory State social insurance. It was based on the requirements of existing Ukrainian legislation and conventions and recommendations of the International Labour Organization concerning this matter. The purpose of the bill is to:

- Create a single legislative framework applicable to compulsory State social insurance for temporary incapability to work, for costs related to childbirth and for funeral expenses;

- Ensure equal conditions for provision of the material support and social services envisaged by this kind of insurance regardless of the form of remuneration of labour or form of ownership or nature of the business concerned;

- Define the range of persons to be covered by social insurance, excepting citizens who receive benefit under this kind of insurance but who do not pay and for whom no one pays insurance contributions. These are military personnel, students and some categories of non-working citizens, for whom the preservation of social guarantees will be governed by other laws;

- Administer social insurance funds on the basis of the common interests of insured persons, employers and the State;

- Redistribute responsibility for the creation of funds between the State, employers and insured persons.

162. This kind of insurance provides for guaranteed disbursements from the National Insurance Fund (benefits for temporary inability to work, pregnancy, maternity and the birth of a child, funeral expenses, and sanatorium and health-resort treatment for workers and members of their families). Added to this insurance there will be a benefit for care of a child up to three years of age, payment of which is currently made from the Pension Fund.

163. The institution of the legal, financial and organizational machinery for social insurance envisaged by this bill will certainly have a positive effect by improving the social protection of citizens within the system and help reduce to a minimum the number of regulatory instruments now dealing with such insurance.

164. A number of laws have been enacted concerning the pension entitlements of war veterans. These laws affect approximately 15 million citizens, including 2.3 million disabled persons (various categories), some 12 million war and labour veterans, and over 600,000 victims of war and repression.

165. The legislation has increased the number of categories of citizens entitled to various concessions, of which there are now 27 different kinds.

166. One form of social protection for pensioners and disabled people is the provision of social amenities such as residential homes and local centres.

167. The network of residential homes fully meets the requirements of the Ukrainian population in terms of available places. In fact, there are currently more than 5,000 spare places in facilities of this nature.

168. Despite the limited funds available in local budgets for the upkeep of residential homes, during the first quarter of this year, the Ministry of Social Welfare and local social security offices have been able to maintain the network of residential homes and provide proper social and medical amenities for the elderly and disabled people who live in them.

169. There are currently 278 residential homes with 53,500 places, where over 47,000 elderly and disabled people are living on full State support.

170. The social welfare system includes 64 local centres and 117 separate welfare offices catering for 570,000 elderly and disabled people living alone.

5 (e) (v)

171. Under article 53 of the Constitution everyone has the right to education. Complete general secondary education is compulsory.

172. The State ensures accessible and free pre-school, complete general secondary, vocational and higher education in State and communal educational establishments; the development of pre-school, complete general secondary, extra-curricular, vocational, higher and postgraduate education, various forms of instruction; and the provision of State scholarships and privileges to pupils and students.

173. Citizens have the right to obtain free higher education in State and communal educational establishments on a competitive basis.

174. Citizens who belong to national minorities are guaranteed, in accordance with the law, the right to receive instruction in their native language or to study their native language in State and communal educational establishments and through national cultural societies.

5 (e) (vi)

175. Article 54 of the Constitution provides that citizens are guaranteed the freedom of literary, artistic, scientific and technical creativity, and protection of intellectual property, their copyrights, and moral and material interests that arise with regard to various types of intellectual activity.

176. Every citizen has the right to the results of his or her intellectual or creative activity; no one may use or distribute them without his or her consent, with the exceptions established by law.

177. The State promotes the development of science and the establishment of scientific relations of Ukraine with the world community. Cultural heritage is protected by law.

178. The State ensures the preservation of historical monuments and other objects of cultural value.

5 (f)

179. The Constitution guarantees the right freely to collect, store, use and disseminate information by any means (art. 34). With a view to ensuring the rights of national minorities to obtain and disseminate information in their own language, to intensify the processes of democratization, inter-ethnic cooperation and tolerance in society, the State promotes the development of and provides material support for the mass media of the national minorities, allocates air time on State television and radio stations and publishes literature in the languages of the national minorities.

180. In accordance with the existing legislation the national minorities have the right to establish their own mass media and obtain licences for their operation. The right to use the languages of national minorities in the mass media - radio, television and the press - is enshrined in the Constitution and laws of Ukraine.

181. The demand for information from the national minorities is currently met by more than 1,300 Russian-language periodicals and about 95 publications in languages of other national minorities (32 of them in the all-Ukrainian sphere of dissemination).

182. These include: Hadashot (News), the newspaper of the Association of Jewish Organizations and Communities, published in Kiev; the Jewish news review Ben Siah (Interlocutor), published in Kharkov; the Jewish national newspaper Revival-91, published in Kiev; Chernovtsy Notes, the newspaper of the Jewish Society of Bukovina; the Romanian-language magazines Arcaşul, Plai Romanesc, and others; the Polish newspaper Gazeta Lwowska; the Tatar newspapers Salam and Minaret; and the German Deutschekanal. The parliamentary gazette Voice of Ukraine has six supplements for ethnic communities, such as Roden Krai in Bulgarian, Dziennik Kijówcki in Polish, Jewish News in Yiddish, Aragats in Armenian, Concordie in Romanian, and Voice of Crimea for the Crimean Tartar community.

183. The proportion of Russian used in the information media of Ukraine is quite high - 25 per cent of the total number of print media being available in Russian and the same amount in two languages, i.e. Ukrainian and Russian.

184. A festival of television and radio programmes for the national minorities entitled "Ukraine - native land" is held every year.

185. For the past five years a State television channel has aired the "Yahad" ("Together") programme, and programmes in Yiddish are also broadcast by regional television and radio companies in Chernovtsy, Lvov, Donetsk, Sevastopol and some other cities.

186. Special editorial boards have been set up on the basis of State television and radio companies in some regions of Ukraine - the Autonomous Republic of Crimea, Zakarpatye, and Donetsk, Odessa, Chernovtsy and Zhitomir oblasts. These produce programmes in the languages of the national minorities as follows:

- Crimea - in Bulgarian, German, Armenian, Greek, Crimean Tartar and Russian (television) and in German, Armenian and Crimean Tartar (radio);

- Zakarpatye - in Hungarian, Slovak and Romanian (radio);

- Odessa oblast - in Romanian, Bulgarian, Gagauz and Moldavian (television and radio);

- Chernovsty oblast - in Romanian and Yiddish (television and radio);

- Zhitomir oblast - in Polish (television and radio).

Article 6

187. Article 32 of the Constitution states that no one may be subject to interference in his or her personal or family life, except in cases envisaged by the Constitution of Ukraine.

188. The collection, storage, use and dissemination of confidential information about a person without his or her consent shall not be permitted, except in cases determined by law and only in the interests of national security, economic welfare and human rights.

189. Every citizen has the right to examine information about himself or herself that is not a State secret or other secret protected by law in the bodies of State power or local government, institutions and organizations. Everyone is guaranteed judicial protection of the right to rectify incorrect information about himself or herself and members of his or her family, and the right to demand that any type of information be expunged, as well as the right to compensation.

190. Various mechanisms for the protection of human and citizens' rights and freedoms have been established by law and operate in Ukraine.

191. Civil-law machinery exists in civil law for complaints to be made to a court against decisions, actions or inaction of State organs, legal persons or officials in the administrative sphere in cases where a citizen considers that his or her rights or freedoms have been or are being violated (chap. 31-A of the Code of Civil Procedure).

192. Criminal responsibility, as provided for by article 66 of the Criminal Code, is applicable to protect against socially dangerous manifestations of racial discrimination. In particular, such responsibility is provided for incitement to national or racial hatred or enmity, the demeaning of national honour and dignity, and the direct or indirect restriction of rights or establishment of privileges for citizens depending on their racial or national background.

193. There is no separate accounting of criminal proceedings brought for such offences in the statistical reporting of the procuratorial bodies.

194. No offences under article 66 of the Criminal Code were recorded in the statistical data of the Ministry of Internal Affairs for 1998. There are no data as yet for the current period, as reporting is by calendar year.

195. The Office of the Procurator-General also has no data concerning any restrictions of rights or granting of privileges for citizens according to their racial or national background.

196. However, there are instances of the publication and dissemination in print of materials aimed at the destabilization of public life and the incitement of national discord.

197. The founders and editors of some press publications, abusing the freedom of action of the mass media and the wide opportunities for use of information, have contravened the Information Act and the Printed Media (Press) Act.

198. Such instances occurred particularly between 1995 and 1996 in the activities of the newspapers "Neskorena natsiya" and "Za vilnu Ukrainu", the magazine "Nationalist" and some others. With regard to all these cases of revealed breaches the procurator's office took steps in response, in particular making representations for the breaches of the law to cease and not be allowed to occur in the future.

Article 7

199. The national legislation of Ukraine establishes all kinds of legal responsibility for incitement to racial, national or religious hatred. In general there are no cases of this kind in the mass media, apart from individual comments of an unethical nature which cannot be described as incitement to national hatred.